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FILED 04 JAN '12 16:11 USDC-ORP

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF OREGON
8 PORTLAND DIVISION

CV '12 - 11 - AC

9 ELIZABETH REDMAN,)
10) Civil Action No.
11 Plaintiff,)
12) **COMPLAINT**
13 v.)
14) (Jury Trial Demanded)
15 JOHN T. MOREHEAD,)
16)
17 Defendant.)

18 Plaintiff Elizabeth Redman alleges as follows:

19 **THE PARTIES**

20 1.

21 Plaintiff is a resident of Oakland, California. Upon information and belief, Defendant
22 John T. Morehead is an Oregon resident, but his specific whereabouts are unknown.

23 **JURISDICTION AND VENUE**

2 2.

3 This Court has jurisdiction over the subject matter of this action pursuant to 28 USC §
4 1332(a) because this action is one between citizens of different states, and the matter in
5 controversy exceeds \$75,000.00, exclusive of costs.

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3.

Venue in the present judicial district is proper pursuant to 28 USC § 1391(a)(2) because a substantial portion of the events giving rise to Plaintiff's claims occurred here, and because Defendant was subject to personal jurisdiction in this District at the time this action was commenced.

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GENERAL ALLEGATIONS

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On or about July 9, 2011, Plaintiff was walking on an existing and established walking path in Smith Rock State Park, Oregon.

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At that time and place, without warning or notice to Plaintiff, Defendant swung on a "rope swing" attached to the Monkey Face rock pillar located next to Plaintiff's walking path.

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Upon information and belief, when Defendant swung on the "rope swing", Defendant also grabbed a separate rappel rope anchored to the top of Monkey Face. In so doing, Defendant whipped the rappel rope against Plaintiff, knocking her off of the walking path.

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7.

After she was knocked off of the walking path, Plaintiff fell a substantial vertical distance and then rolled out of control until stopped by other visitors to the park.

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FIRST CLAIM
(Battery)

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Plaintiff hereby incorporates all of the above-stated allegations as if fully set forth herein.

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2 9.

3 In whipping the rappel rope against Plaintiff, Defendant offensively contacted Plaintiff's
4 person with force and violence. In so doing, Plaintiff committed the tort of battery, causing
5 Plaintiff to fall and sustain damages alleged below.

6 **SECOND CLAIM**
7 (Negligence)

8 10.

9 Plaintiff hereby incorporates all of the above-stated allegations as if fully set forth herein.

10 11.

11 Defendant breached his duty to use reasonable care while recreating in the park, all to
12 Plaintiff's damages alleged below.

13 **THIRD CLAIM**
14 (Recklessness; gross negligence)

15 12.

16 Plaintiff hereby incorporates all of the above-stated allegations as if fully set forth herein.

17 13.

18 Defendant's actions were reckless or gross negligent in the extreme, all to Plaintiff's
19 damages alleged below.

20 **DAMAGES**

21 14.

22 Plaintiff hereby incorporates all of the above-stated allegations as if fully set forth herein.

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15.

As a result of Defendant's actions, Plaintiff was physically injured, has incurred medical and treatment related expenses, including emergency life flight and rescue expenses, in the approximate sum of \$72,000.00, and anticipates incurring additional medical and treatment related expenses in the approximate sum of \$13,000.00.

16.

As a further result of Defendant's actions, Plaintiff has lost wages or income in the approximate sum of \$6,500.00, and has suffered impaired earning capacity in the sum of \$75,000.00.

17.

As a further result of Defendant's actions, Plaintiff has suffered physical and mental pain and suffering, disfigurement, the loss of enjoyment of life, mental and emotional trauma, and other damages that would or could be reasonably anticipated to arise under the circumstances in the sum of \$1,000,000.

* * *

WHEREFORE, Plaintiff Elizabeth Redman requests judgment against Defendant John T. Morehead as follows:

A. Ordering compensation for all economic, non-economic, incidental, and consequential damages suffered by Plaintiff in the sum of \$1,166,500.00 as a result of Defendant's conduct;

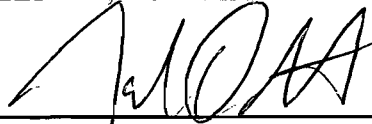
B. Awarding Plaintiff her reasonable costs and disbursements, to the fullest extent allowed by law; and

/ / /

1 C. Granting all such additional or further relief as this Court deems just and equitable
2 under the circumstances.

3 DATED this 4th day of January, 2012.

4 ELLIOTT, OSTRANDER & PRESTON, P.C.

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6 John D. Ostrander, OSB No. 87394

7 Joel P. Leonard, OSB No. 960810

8 Of Attorneys for Plaintiff
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